

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. 2:15-CR-429-2
	§	
JASON LOUIS GARCIA	§	

ORDER GRANTING MOTION FOR CONTINUANCE

United States District Judge Nelva Gonzales Ramos referred this case to the undersigned United States Magistrate Judge for the purpose of conducting a guilty plea proceeding pursuant to Rule 11 of the Federal Rules of Criminal Procedure. After the defendant pleaded guilty but before making a recommendation to the District Judge regarding the plea, the undersigned recalled the case to address an issue of whether the defendant's Texas misdemeanor assault conviction was a qualifying predicate offense under 18 U.S.C. §922(g)(9). *See U.S. v. Anderson*, 726 F. Supp. 2d 737 (S.D. Tex. 2007)(citations omitted).

All of the parties agreed the issue should be more closely examined and the defendant moved to withdraw his plea. The Government did not object and the undersigned granted Defendant's motion to withdraw his plea of guilty. Further, defendant's counsel orally moved for a continuance to conduct additional legal research and investigation into whether the defendant's prior conviction qualifies as a "misdemeanor crime of domestic violence" pursuant to Title 18, United States Code, Section 922(g)(9). The government was unopposed to the motion for continuance. After

the undersigned magistrate judge explained to the defendant his right to a speedy trial, the defendant also asked the Court to continue his pretrial conference and trial.

The Court has considered the Unopposed Motion for Continuance of the Pretrial Conference and Trial of defendant, JASON LOUIS GARCIA, and finds that this motion should be **GRANTED**.


Accordingly, the Court **GRANTS** the motion for continuance and further finds pursuant to 18 U.S.C. § 3161(h)(7)(A) the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy trial.

It is further ORDERED that this case is set for a status conference before U.S. Magistrate Judge Jason Libby on **August 20, 2015 at 3:00 p.m.** The parties should be prepared to discuss the applicable law and make recommendations about how to proceed and whether written briefing on the issue is necessary.

It is further ORDERED that the case is set for a Final Pretrial Conference before U.S. Magistrate Judge Jason Libby on **September 3, 2015 at 9:00 a.m.** and Trial is set before U.S. District Judge Nelva Gonzales Ramos on **September 8, 2015 at 9:00 a.m.**

It is further ORDERED that the Defendant's plea of guilty is **WITHDRAWN** and the Sentencing Order (D.E. 34) and the dates and deadlines set forth therein are **VACATED**.

ORDERED this 3rd day of August, 2015.


Jason B. Libby
United States Magistrate Judge